

FIRST REGULAR SESSION

SENATE BILL NO. 8

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAMPION.

Pre-filed December 1, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0194S.011

AN ACT

To amend chapter 650, RSMo, by adding thereto one new section relating to crime laboratories.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 650, RSMo, is amended by adding thereto one new
2 section, to be known as section 650.059, to read as follows:

**650.059. 1. There is hereby established within the department of
2 public safety a "Crime Laboratory Review Commission" to provide
3 independent review of any state or local Missouri crime laboratory
4 receiving any amount of state-administered funding.**

5 **2. The commission shall consist of six members who shall be
6 citizens of this state, including one senior manager from a crime
7 laboratory within the state that is accredited by a body approved by
8 the department of public safety, one licensed law enforcement officer
9 employed in a management position, one prosecuting attorney, one
10 criminal defense attorney, one crime victims' advocate, and the director
11 of the department of public safety or his or her designee.**

12 **3. Except for the director of the department of public safety or
13 his or her designee, the members shall be appointed by the governor
14 with the advice and consent of the senate. For the initial term, the
15 prosecuting attorney, criminal defense attorney, and crime victims'
16 advocate shall serve a term of two years. The law enforcement officer
17 and the crime laboratory senior manager shall serve a term of four
18 years. Thereafter, all appointments for members shall be for four
19 years. Except for the director of the department of public safety or his
20 or her designee, any vacancy shall be filled by appointment for the
21 unexpired term and each member of the board shall hold office until**

22 such member's successor is appointed and qualified.

23 4. Except when the member no longer meets the qualifications
24 for which he or she was appointed to the commission, a member of the
25 commission is removable by the governor only for just cause, after
26 being given a written notice setting forth in substantial detail the
27 charges against the member and an opportunity to be heard publicly on
28 the charges before the governor. A copy of the charge and a transcript
29 of the record of the hearing shall be filed with the secretary of state. If
30 a member no longer meets the qualifications for which he or she was
31 appointed, the member shall be removed by the governor without
32 further action.

33 5. The members of the commission shall not receive
34 compensation for their services other than to receive reimbursement
35 costs directly associated with the execution of their commission duties.

36 6. The director of the department of public safety or his or her
37 designee shall serve as chairman of the commission. The commission
38 shall meet at least annually to review the current status of crime
39 laboratories in this state. Four members of the commission shall
40 constitute a quorum.

41 7. For the purposes of this section, the term "crime laboratories"
42 shall mean any forensic science laboratory operated or supported
43 financially by the state or any unit of city, county, or other local
44 Missouri government, and employs at least one scientist who examines
45 physical evidence in criminal matters and provides expert or opinion
46 testimony with respect to such physical evidence in a state court of
47 law.

48 8. The commission shall have the power to:

49 (1) Assess the capabilities and needs of Missouri crime
50 laboratories, as well as their ability to deliver quality forensic services
51 in a timely manner to law enforcement agencies in the state of
52 Missouri, and make recommendations for improvements to such
53 services;

54 (2) Authorize independent external investigations into
55 allegations of serious negligence or misconduct committed by
56 employees or contractors of the laboratory system substantially
57 affecting the integrity of forensic results. The commission shall solicit
58 input and guidance from any appropriate expert as it deems necessary

59 in the investigation process;

60 (3) Appoint members to inspection or investigative teams to
61 assist in carrying out the duties described in subdivisions (1) and (2) of
62 this subsection;

63 (4) Issue reprimands to crime laboratories and to employees or
64 contractors of crime laboratories found to be negligent or engaging in
65 misconduct in the execution of their responsibilities;

66 (5) Make recommendations for changes in procedure of crime
67 laboratories found to be negligent in the execution of their
68 responsibilities; and

69 (6) Issue reports to the department of public safety summarizing
70 any findings of negligence or misconduct of a crime laboratory or an
71 employee or contractor of a crime laboratory and making
72 recommendations regarding revocation or suspension of grant funding
73 that the commission deems warranted.

74 9. The commission shall submit an annual report to the governor
75 summarizing its activities and any suggestions to improve the crime
76 laboratory system in this state.

77 10. The department of public safety shall have the authority to
78 revoke any grant money from a crime laboratory if the laboratory does
79 not cooperate with the commission or if allegations of serious
80 misconduct or negligence are substantiated by the commission.

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